

# COUNTY OF YORK

## MEMORANDUM

**DATE:** March 20, 2000 (BOS Mtg. 4/4/00)

**TO:** York County Board of Supervisors

**FROM:** Daniel M. Stuck, County Administrator

**SUBJECT:** Robert E. Willett and Dreama S. Willett, 111 Whites Road, Tax Map #24H-01-000B-004, Water Connection Fee

As part of the County's water extension project, once the construction is complete and the homeowners can start connecting to the public water system, a "Notice of Construction Completion" formerly "Notice of Availability (NOA)" letter is mailed to each property, including vacant parcels, in the service area. This notice outlines the connection fees, time period in which to pay the connection fee, and the connection fee if paid after a certain date.

On October 15, 1993, a NOA for vacant property was mailed to Mr. Peter M. Kilopoulos for 111 Whites Road. The letter, Exhibit "A," outlined that the payment of the water connection fee was not mandatory, but the \$2,850 connection fee could be paid up to 90 days from the date of the notice. After this date the connection fee would increase to \$5,000. No payment was ever received for this parcel.

Mr. and Mrs. Willett purchased the property from Mr. Kilopoulos, located at 111 Whites Road, on October 28, 1999 for \$4,500. Mrs. Willett states in her letter, Exhibit "B," that she and her husband became aware of the \$5,000 connection fee just prior to signing the contract on the property. The Willetts' proposal is to start making installment payments against the \$2,850 connection fee now, even though the property cannot be built upon until public sewer is made available.

The water connection fee is just like any other connection fee (Hampton Roads Sanitation District, Newport News Waterworks, Virginia Natural Gas, Virginia Power, Bell Atlantic) that a prospective buyer should research prior to purchasing a piece of property. Based on the fact that proper notices were provided in accordance with §18.1-62 of the County Code and County law does not authorize an initial fee in cases like this, I recommend that Mr. and Mrs. Willett not be granted relief from the current regular connection fee of \$5,000. Any such relief would be inequitable to many other property owners in the same situation who have paid the regular fee.

The theory behind the higher regular fee is that these County subsidized water projects are installed to serve existing homes, not to encourage further residential development. The regular fee attempts to recoup more of the actual construction cost so as not to subsi-

York County Board of Supervisors

March 20, 2000

Page 2

dize developers. Property owners of vacant parcels at the time of construction are given a one time 90-day opportunity to pay the reduced fee.

Should the Board wish to grant Mr. and Mrs. Willett's request, an ordinance change will be required. I would suggest the Board direct the County Attorney as to what they would like to have done. If adopted the attached Resolution, R00-50, will deny the request.

Woodward/3241:mw

Attachments: Exhibit A  
Exhibit B